

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DUNKLEY ET AL.

Atty. Ref.: 2490-31; Confirmation No. 9711

Appl. No. 10/585,324

TC/A.U. 1618

Filed: September 26, 2006

Examiner: Samala

For: NEW MATERIAL AND METHOD OF FABRICATION THEREFOR

* * * * *

May 18, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is responsive to the issues raised in the Official Action of November 19, 2010, a Final Rejection.

The examiner's attention is invited to the Information Disclosure Statement filed March 9, 2011 which was submitted within three months of the mailing date of an Office Action in a counterpart application being examined in a foreign country.

The sole issue raised in the Action is the continued rejection of all pending claims on the basis of prior art. More specifically, the 35 USC §103 rejection has been maintained the examiner arguing that the claims are obvious based on the combined teaching of Nagura (JP 7211665) and Aston (US 2004/0091421).

Applicants disagree with the examiner's observations asserted in maintaining the rejection and request careful reconsideration in light of the following comments:

From a comparison of the present invention and Nagura, there is a clear difference in spatial arrangement and efficacy between (i) surrounding a phosphorus charge with silicon particles and (ii) spatially separating silicon and phosphorus samples within a reactor. The